

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

Wireless Telecommunications Bureau and Public	)	
Safety and Homeland Security Bureau Seek	)	PS Docket No. 13-42
Comment on Options for 470-512 MHz (T-Band)	)	
Spectrum	)	

**REPLY COMMENTS OF THE UTILITIES TELECOM COUNCIL**

The Utilities Telecom Council (UTC) hereby files these reply comments in response to the FCC's Public Notice in the above-referenced proceeding.<sup>1</sup> UTC echoes the comments on the record that urge the Commission to lift the freeze on T-Band licensing, particularly as it applies to Industrial/Business (I/B) licensees, including utilities and other critical infrastructure industries (CII). The T-Band is used by utilities and other CII to support mission critical voice and data communications. As is illustrated by comments by Pacific Gas & Electric Company<sup>2</sup> and NSTAR Electric Company<sup>3</sup>, the Commission's freeze has had a detrimental impact on the ability of utilities and other CII to meet their increasing communications needs. These comments amplify the comments filed by the Land Mobile Communications Council (LMCC), which also opposes the freeze, due to its negative impact on industrial business licensees, as well as public safety licensees.<sup>4</sup> Therefore, UTC supports the comments by the LMCC, as well as

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<sup>1</sup> Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Seek Comment on Options for 470-512 MHz (T-Band) Spectrum, Public Notice, PS Docket No. 13-42, 28 FCC Rcd. 1130 (2013)(hereinafter Public Notice).

<sup>2</sup> Comments of the Pacific Gas & Electric Company in PS Docket No. 13-42 (filed May 13, 2013)(hereinafter "Comments of Pacific Gas & Electric")

<sup>3</sup> Comments of NSTAR Electric Company in PS. Docket No. 13-42 (filed May 13, 2013)(hereinafter "Comments of NSTAR").

<sup>4</sup> Comments of the Land Mobile Communications Council in PS Docket No. 13-42 (filed May 13, 2013). As the LMCC notes, "T-Band systems in the Houston, Texas area are used to meet the communications needs of refineries, chemical plants, pipelines, and other critical infrastructure industry facilities. These radio systems are vital to both individual worker safety and the safety of the surrounding communities, as well as environmental protection." *Id.* at 4. UTC is a member of the LMCC.

Pacific Gas & Electric and NSTAR -- all of which urge the Commission to immediately lift the freeze in order to eliminate the disruption that it has caused to I/B, as well as Public Safety licensees.

## **I. Introduction and Background**

UTC is the international trade association for the telecommunications and information technology interests of electric, gas and water utilities, pipeline companies and other critical infrastructure industries. Its members include large investor-owned utilities that serve millions of customers across multi-state service territories to relatively smaller municipal and cooperative utilities that may serve thousands of customers in isolated towns, cities and rural areas of the country. In addition, UTC is allied with all of the major electric, gas and water utility associations, as well as other organizations representing various other critical infrastructure industries -- as part of its Critical Infrastructure Communications Coalition.

All of UTC's members own, manage or control extensive communications systems to support the safe, reliable and efficient delivery of essential services to the public at large. Due to increasing demand, utilities and other CII must upgrade their communications systems to ensure the reliability of the underlying electric, gas and water services that these communications support. Unfortunately, access to spectrum to expand capacity and coverage is difficult, particularly in urban areas, due to congestion and interference in existing land mobile bands. The T-Band represents an alternative for utilities and other CII to meet their increasing communications needs. In fact, a cursory search of the FCC's licensing records shows that utilities and other CII have made significant use of these channels. As such, UTC and its members have a direct interest in continued access to the T-Band, and UTC is pleased to file its

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reply comments in response to the FCC's Public Notice.

## **II. The Commission Should Immediately Lift the Freeze.**

The Commission should immediately lift the freeze, particularly to the extent that it is being applied to I/B access to the band. As a legal matter, the provisions of the Middle Class Tax Relief and Job Creation Act only pertain to public safety access to the band, and they do not restrict I/B access to the band.<sup>5</sup> As a practical matter, the freeze unnecessarily impairs the ability of utilities and CII, as well as other I/B users to make effective use of the band for a variety of mission critical applications. Therefore, and as described more fully below, the Commission should lift the freeze, particularly as it currently applies to I/B access to the band.

In its comments, NSTAR explains that it has invested \$7 million to upgrade its communications system, and “the system relies on more than a dozen active T-Band licenses.”<sup>6</sup> NSTAR reports that this substantial investment has already paid dividends by providing the company with a common radio platform, eliminating the need to change radios when moving between service territories.”<sup>7</sup> NSTAR urges the Commission to lift the freeze, “given this substantial investment, the critical nature of the traffic carried by this system and the lack of alternate spectrum.”<sup>8</sup> Further, if I/B licensees are forced to move, “NSTAR urges the Commission to ensure non-public safety licensees that are consolidated into a portion of the T-Band are provided an amount of spectrum in the consolidated band that is at least equal to the

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<sup>5</sup> As the Commission recognizes in the Public Notice, “Section 6103 does not address the status of non-public safety licensees in the T-Band, nor does it require their relocation to other spectrum.” Public Notice at 3.

<sup>6</sup> Comments of NSTAR at 5.

<sup>7</sup> *Id.* at 3.

<sup>8</sup> *Id.* at 5.

amount currently licensed to these entities in the existing T-Band.”<sup>9</sup>

Similarly, Pacific Gas & Electric explains that it is in the process of upgrading its communications systems and that the imposition of the freeze prevents it from access to T-Band frequencies that are necessary for it to meet its increasing communications needs. It states that “[t]o increase capacity, PG&E has applied for T-Band frequencies (applications are pending FCC authorization), knowing that in less than nine years it may have to relocate to other, possibly incompatible frequencies to support a single UHF trunked network.”<sup>10</sup> Further, Pacific Gas & Electric reports that it lacks alternatives because other spectrum is either unavailable in its service territory or it is unsuitable to meet its needs. Thus, it “requests that the FCC reconsider the relocation of T-Band licensees, both public safety and non-public safety, to another as yet unknown band. PG&E also requests that the freeze for pending applications be lifted so that public safety applicants may support their communications systems and non-public safety applicants may continue to hope for temporary support of their communications needs.”

UTC supports these comments, recognizing that the T-Band is necessary to meet utilities increasing communications needs. The Commission should not disrupt the significant investments that have been made by utilities and other CII. Moreover, these communications systems are essential to support the reliability and safety of underlying electric, gas and water services. Therefore, UTC echoes these comments and urges the Commission to immediately lift the freeze in the T-Band, so that I/B as well as public safety users can continue to make effective use of the band.

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<sup>9</sup> *Id.*

<sup>10</sup> Comments of Pacific Gas & Electric at 3.

For all of these reasons, UTC urges the Commission to lift the freeze on T-Band licenses, particularly those for I/B licenses.

Respectfully submitted,

**Utilities Telecom Council**

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